

# Notice of Allowability

Application No.

10/058,046

Examiner

Brian L Albertalli

Applicant(s)

HICKEY ET AL.

Art Unit

2655

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 29 January 2002.
2. ☒ The allowed claim(s) is/are 1-28.
3. ☒ The drawings filed on 29 January 2002 are accepted by the Examiner.
4. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☒ All b) ☐ Some\* c) ☐ None of the:
    1. ☒ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
  6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
    - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
      - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
    - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

## Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO-1449 or PTO/SB/08),  
Paper No./Mail Date 1/29/02, 5/13/02, 5/25/02, 10/17/02
4. ☐ Examiner's Comment Regarding Requirement for Deposit  
of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413),  
Paper No./Mail Date \_\_\_\_\_.
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_.

**DETAILED ACTION**

**EXAMINER'S AMENDMENT**

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

The application has been amended as follows:

- a) Change the title of the invention from "Facilitation of Speech Recognition in User Interface" to –Selection of Items in a Speech Recognition User Interface by Speaking at a Loudness Indicative of the Item's Perceived Range--.
- b) In the Abstract: in line 12, replace "ranch" with –range--.
- c) In the Specification: on page 5, line 1, replace "ranch" with –range--, and on line 15, replace "ranch-gate" with –range-gate--.
- d) In the Claims:
  - In line 9 of Claim 1, replace "ranch" with –range--.
  - In line 13 of Claim 11, replace "ranch-gate" with –range-gate--.
  - In line 13 of Claim 20, replace "ranch-gate" with –range-gate--.

***Allowable Subject Matter***

The following is an examiner's statement of reasons for allowance:

The prior art of record does not disclose and would not suggest to one of ordinary skill in the art at the time of invention, in addition to the other features of the claims, the limitation of *restricting the label search space of the recognizer to exclude the labels of items having a range value outside of the determined range gate*, as recited in independent claims 1, 11, and 20. Prior art disclosures teach assessing the loudness of a user's speech input to vary the corresponding "intensity" of the input command in the user interface. For example, the loudness is assessed to determine how fast to move a cursor across a display, or vary the size of a drawn shape, or select different items. However, no prior art teaches or suggests limiting the active vocabulary of the speech recognizer based on the loudness of the speech input.

Claims 1, 11, and 20, therefore, are allowed.

Claims 2-10, 12-19, and 21-28 further limit claims 1, 11, and 20; therefore, claims 2-10, 12-19, and 21-28 are also allowed.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

### ***Conclusion***


The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Jarvis et al. (U.K. Patent Application 2 326 490) disclose a system that uses the loudness of a speaker as an attribute to vary the execution of operations, such as varying the size of a drawn shape. Naoki (Japanese Patent 2001-79265) discloses a system that renders a selected texture on a drawn object based on the loudness of a speech input. Tomonari (Japanese Patent 5-158618) and Boyer et al. (U.S. Patent 6,519,566) disclose a method to control the speed of a cursor according to the loudness of speech input. Singer et al. (U.S. Patent 5,889,843) disclose a system for audibly representing a three dimensional interface using head related transfer functions. Savidis et al. (*A Generic Direct-Manipulation 3D-Auditory Environment for Hierarchical Navigation in Non-visual Interaction*) disclose a method for presenting menu items in a 3D audio environment.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brian L Albertalli whose telephone number is (703) 305-1817. The examiner can normally be reached on Mon - Fri, 8:00 AM - 5:30 PM, every second Fri off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Talivaldis Smits can be reached on (703) 305-3011. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

BLA 2/10/05



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PRIMARY EXAMINER